Pollock on Torts, p. 105; *People* ex rel. *Shannon* v. *Magee* (N. Y. 1900) 55 App. Div. 195; *People* ex rel. *Miller* v. *Elmendorf* (N. Y. 1900) 51 App. Div. 173; *Miller* v. *Clark*, supra; nor does this result seem to depend upon an express statutory provision for review in such cases. In the principal case the passion attending a dispute between factions of a political party was a strong reason for ascribing to the legislature an intention to make the decision of the Central Committee final, but in the absence of evidence of such an intention it would seem that there should be a review by the courts and that the broad doctrine laid down by the court is not supported by the authorities.

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THE INCEPTION OF THE RELATION OF CARRIER AND PASSENGER.—As to what facts constitute the relation of carrier and passenger, so as to necessitate on the part of the carrier, not only freedom from negligence, but the highest practicable degree of care, is frequently a difficult question of law. One who enters the station of a railroad a reasonable time before his train leaves, with the bona-fide intention of entering into a contract of carriage, is a passenger whether or not he has purchased a ticket, *Gordon* v. *Railroad* (N. Y. 1863) 40 Barb. 546, and even though the ticket agent refuses to sell him a ticket. *N. & W. R. Co.* v. *Gallagher* (1893) 89 Va. 639. Where one was on the way to the station in the omnibus of a railroad company, such a relation was held to have arisen. *Buffett* v. *T. & B. R. Co.* (1869) 40 N. Y. 168. On the other hand, the mere purchase of a ticket and the intention to take a train will not demand of the railroad the extraordinary care due to passengers. *Illinois Cent. R. Co.* v. *O'Keefe* (1897) 168 Ill. 115. In the law of street railways, the relation commences the moment one touches the car, *Davey* v. *Greenfield St. Ry.* (1900) 177 Mass. 106, and an instruction that if the car had stopped, and the plaintiff was "in the act of carefully and prudently attempting to step upon the platform, he is to be regarded as a passenger," was held to be correct. *Smith* v. *St. Paul City Ry. Co.* (1884) 32 Minn. 1. But where the driver on a car answered affirmatively the plaintiff's signal to stop, the mere fact that there was an intention on both sides to enter into a contract of carriage, was not sufficient to create the relation. *Donovan* v. *Hartford St. Ry. Co.* (1894) 65 Conn. 231. Between these cases is one lately decided by the Supreme Judicial Court of Massachusetts. *Duchemin* v. *Boston El. Ry. Co.* (1904) 71 N. E. 780, where it was held that the plaintiff, who was approaching a street-car which had stopped to receive him, was not entitled to the rights of a passenger before he had reached the car.

There is no conflict among the courts as to the relation in the above cases; but it is difficult to find the theory underlying the decisions. In *Farley* v. *Cincinnati H. & D. R. Co.* (1901) 108 Fed. 14, the relation is said to be based on contract. See also *Illinois Cent. R. Co.* v. *O'Keefe*, supra. This contract is implied from very slight circumstances. Thus, those who by the implied assent of the carrier are in the waiting-room, on the passenger car, or in the act of mounting the car steps are passengers, as their acts are presumed to be known to the carrier. It is undoubted that a man becomes a

passenger as soon as some definite step is taken which renders him liable for his fare, and it is also true that one is not a passenger in some cases where the assent of the carrier cannot be presumed, as when he is on the carrier's premises an unreasonable time before his train starts, *Grimes* v. *Pennsylvania Co.* (1888) 36 Fed. 72, or is in a car which ordinarily is not used to carry passengers. *Haase* v. *Oregon, etc., Co.* (1890) 19 Ore. 354. But where, as in *N. & W. R. Co.* v. *Gallagher*, supra, the relationship is held to exist after the carrier has refused to enter into a contract of carriage, it seems difficult to justify the contract test, and it seems to be totally repudiated when, as in *McNeill* v. *D. & C. R. Co.* (N. C. 1904) 47 S. E. 765, the court finds that the contract of carriage is void, but still rules that the relationship exists. One who enters a station a reasonable time before his train starts is a passenger, but at that time no consideration has passed; he is under no obligation to travel, and may leave without objection from the carrier.

The question seems to be one, not of contract, but of duty to the public, and this duty to a member of the public seems to arise from the concurrence of two facts: (1) that the person has the intention of entering into a contract of carriage, and (2) that he has put himself under the care and control of the carrier in a proper and customary manner.

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CRIMINAL CONTEMPTS A PROPER SUBJECT OF REVIEW.—The Supreme Court has recently had occasion to examine its prior decisions in cases where a review of criminal contempt proceedings was sought, and it came to the conclusion that reviews in those cases had been denied, not because there is something in contempt proceedings which renders them not properly open to review, but because they are of a criminal nature, and previous to the Act of March 3, 1891, no provision had been made for review of criminal cases in the federal courts. *Besette* v. *Conkey Co.* (1904) 194 U. S. 324.

Proceedings for criminal contempt are to preserve the power and vindicate the dignity of the court. In re *Nevitt* (1902) 117 Fed. 448. An insult to a single court is an insult to the entire judicial system, and so an offence against the people. *Watson* v. *Williams* (1858) 36 Miss. 331. As such it is a crime and is subject to legislative regulation, 4 COLUMBIA LAW REVIEW 65, and to pardon by the executive. 3 id. 45. But, unlike other crimes, contempts are inseparable from the courts, and, it would seem, from the particular court which is challenged. The power to fine and imprison for contempt has always been regarded as necessary to and inherent in all superior courts, 4 Blackstone's Com. 286. *Anderson* v. *Dunn* (1821) 6 Wheat. 204, 227; Ex parte *Robinson* (1873) 19 Wall. 505, 510, and in the *Case of the Earl of Shaftsbury* (1677) 2 St. Tr. 616, 622, it was decided in England that every court must be the sole judge of its own contempts. This was affirmed in *Regina* v. *Paty* (1705) 2 Ld. Ray. 1105, and in *Crosby's Case* (1771) 3 Wilson 188, and this doctrine is followed in the United States. No court will punish a contempt of another court. *Penn* v. *Messinger* (Pa. 1791) 1 Yeates 2; Ex parte *Chamberlain* (N. Y. 1825) 4 Cow. 49, and where the court has jurisdiction, no other court can review the merits of the decision, *Case of*